

8-32. Administrative Enforcement-Corrective Action Authority: Issuance of Orders and Signing of Consent Agreements (1200 TN 350 8-32)

1. AUTHORITY. Pursuant to Subtitle C, Section 3008(h) of the Solid Waste Disposal Act (SWDA):

- a. To issue orders requiring corrective action or other responses deemed necessary to protect human health or the environment;
- b. To issue orders which suspend or revoke authorization to operate under Section 3005(e) of the SWDA;
- c. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents; and
- d. To represent the Agency in administrative enforcement actions.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, RCRA Corrective Action Branch 1, LCRD; Chief, RCRA Corrective Action Branch 2, LCRD; Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA, and Toxics Branch, ECAD.
- b. The authority in 1.d. is delegated to the Regional Counsel (RC).

3. LIMITATIONS.

- a. The delegates must obtain the advance concurrence of the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) before exercising the authority in 1.b., above. In addition, once the recipient of an order requests, or fails to request, a hearing within the specified time period, the RC or his/her designee and technical program staff may conduct any negotiations and negotiate and sign resulting agreements.
- b. The delegates for LCRD must consult with ECAD prior to exercising the authorities set forth in 1.a., 1.b. and 1.c.
- c. The delegates other than the RC must consult with the Regional Counsel or his/her designee prior to exercising these authorities.

8-32. Administrative Enforcement-Corrective Action Authority: Issuance of Orders and Signing of Consent Agreements (continued)**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegated an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 3008 (h) of SWDA.
- b. See Chapter 8 Delegations entitled:
 - i. Determination That There Is or Has Been A Release;
 - ii. Civil Judicial Enforcement Actions;
 - iii. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions; and
 - iv. Emergency TROs.
- c. AA/OECA May 19, 1995 memorandum, "Office of Enforcement and Compliance Assurance and Regional Roles in Civil Judicial and Administrative Site Remediation Enforcement Cases."

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-32. Administrative Enforcement - Corrective Action Authority: Issuance of Orders and Signing of Consent Agreements, 1200 TN RIII 205 (November 30, 2018).

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Cosmo Servidio
Regional Administrator